

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7261**

**BILL NUMBER: HB 1581**

**DATE PREPARED:** Jan 9, 2001

**BILL AMENDED:**

**SUBJECT:** Designation of Indiana land and waters.

**FISCAL ANALYST:** Bernadette Bartlett

**PHONE NUMBER:** 232-9586

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that (1) a federal executive branch agency, committee, commission, or officer; (2) a state executive branch agency, committee, commission, or officer; or (3) a private organization; may not designate land or waters in Indiana without obtaining the approval of the county executive and the General Assembly. A property owner may provide written permission for the property owner's land to be included in the designation. A property owner may file a claim with the county executive for damages if the property owner's property is included in the designation without the property owner's written permission.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:** A state agency would have to obtain approval of the county executive and the General Assembly in order to designate specific land or waters. This provision will increase administrative expenses to the state. The impact, however, is indeterminable and will depend on the number and nature of future attempts to designate resources.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** An applicant that wants to designate land or waters must submit an application to the county executive of each county that is included within the proposed designation. The county executive must hold a hearing on an application not less than 30 days after the date on which the application is filed. The county executive must also publish at least four notices of each public hearing that is held concerning the application. The county executive must record the testimony and receive exhibits for and against the proposed designation into evidence.

After at least one public hearing, the county executive must issue findings of fact in which the county executive approves or denies the application. The county executive must, not later than one year after the

date on which the county issues findings of fact approving an application, notify every owner of property listed in the application. Each owner of property must give notarized written permission for the property owner's property to be included in the proposed designation.

Ninety days after the notice to property owners is issued, the county executive must determine the assessed value of property whose owners have not voluntarily given permission for their property to be included in the proposed designation. The county executive must assess on the applicant a bond requirement of 10% of the assessed value of the property included in the application for the proposed designation for which written permission was not voluntarily obtained from the property owners.

The county executive must forward to the General Assembly for its consideration copies of the application, including copies of the hearing testimony, exhibits, findings of fact, and designation bond.

A property owner who does not voluntarily give written permission to have the owner's property included in the designation may file a claim for damages resulting from the imposed designation with the county executive of the county where the property is located. A property owner's claim for damages may include court costs; attorney's fees; increased costs of production resulting from the designation; and loss of production, income, property value, or property use resulting from the designation.

The county executive shall approve or reject a claim for damages by vote of a majority of the total membership of the board of commissioners, in the case of a county not having a consolidated city; or decision of the mayor of the consolidated city, in the case of a county having a consolidated city.

If a claim for damages is rejected by the county executive, the property owner filing the claim may refile the claim in the circuit or superior court of the county where the property is located.

The impact of this proposal is indeterminable and will depend on future attempts to designate resources and local action.

**Explanation of Local Revenues:** An application must be accompanied by a filing fee of \$10,000. The proceeds from the fee may be used to defray the county's hearing and notification costs. The county executive must first apply the proceeds from a filing fee paid to the cost of the hearing and notification costs. An applicant shall reimburse the county for the cost of the hearings and notifications that exceeds the amount of the filing fee.

**State Agencies Affected:** State agencies wishing to designate land or waters.

**Local Agencies Affected:** Local units of government and circuit or superior courts.

**Information Sources:**